

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRED DRASNER,

Plaintiff,

v.

SH! ACOUSTICS LLC and  
STEVE HAAS,

Defendants.

Civ. Action No. 07 Civ. 5970 (SHS)

**REPORT OF PARTIES'  
PLANNING MEETING**

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, a telephone conference between the parties was held on July 19, 2007, and continued on July 26, 2007. Robert W. Gottlieb and Steven Shiffman of Katten Muchin Rosenman LLP participated in the conference on behalf of Plaintiff Fred Drasner ("Drasner") and William H. Fried of Herrick, Feinstein LLP participated in the conference on behalf of Defendants SH! Acoustics LLC ("SH!") and Steve Haas ("Haas").

2. **Pre-discovery Disclosures.** The parties have agreed to exchange by August 23, 2007 the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

a. Discovery will be needed on, *inter alia*, the following subjects:

- i. the negotiation of the contracts between SH! and Drasner and any representations concerning the costs and feasibility of installing the Concertino system in Drasner's apartment;
  - ii. the parties' performance under the contracts between SH! and Drasner, including but not limited to, whether the Concertino system was installed properly and completely and whether the amounts specified under the contracts are due;
  - iii. the expenses incurred by the parties in connection with the installation of the Concertino system;
  - iv. the prices charged by SH! and Haas for materials supplied to Drasner's contractors; and
  - v. whether the Concertino system in Drasner's home could be used as a showroom for clients of SH! and Haas.
- b. The parties agree that electronically stored information ("ESI") should be produced in hard-copy format, with the producing party retaining the original in native format and agreeing to produce the ESI in native format upon request.
- c. Fact discovery shall be completed by November 30, 2007.
- d. Reports from retained experts under Rule 26(a)(2) shall be due from plaintiffs on their claims and defendants on their counterclaims by December 21, 2007.
- Rebuttal reports shall be due on January 11, 2008.
- e. Expert discovery shall be completed by February 1, 2008.
4. **Joinder.** The parties shall be allowed until November 1, 2007 to join additional parties and amend the pleadings.
5. *There will be a status conf. November 16 at 10:00 A.M.*
5. ~~**Dispositive Motions.** All potentially dispositive motions shall be filed by February~~
- 29, 2008.


6. ~~Joint Pre-Trial Order~~. The parties shall submit a joint pre-trial order no later than March 28, 2008.

7. ~~Pre-Trial Conference~~. The parties request a pre-trial conference in April 2008.

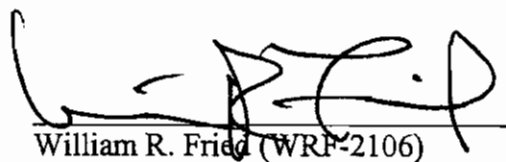
8. ~~Settlement~~. The parties believe that the prospects for settlement cannot be evaluated until after the conclusion of discovery.

Dated: New York, New York  
August 2, 2007

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